

PATENT
CASE AL01583K1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Robert G. Aslanian et alFor Patent For:
Indole Derivatives Useful as
Histamine H₃ Antagonists

Serial No.: 10/600,674

Filing Date: June 20, 2003

Examiner: Celia C. Chang

Art Unit: 1625

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450X
Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530DECLARATION OF ROBERT G. ASLANIAN UNDER 37 C.F.R. 1.132

Sir:

I, Robert G. Aslanian, a co-inventor in the above-identified US patent application, declare that histamine H₃ receptor binding activity (K_i values) have been obtained for compounds within the scope of claim 1 of the present invention. The binding assay used for the K_i determination is described in the specification on pages 47-48. Results of the binding assay are shown in the attached Table 1.

For several compounds of the invention, results were obtained in a functional assay to determine histamine H₃ receptor antagonism. The assay, the Guinea Pig Ileum Assay, is well known in the art and disclosed, for example, in US 5,217,986. Results of the assay, shown in Table 2, demonstrate that the compounds are histamine H₃ receptor antagonists.

I believe that those skilled in the art will recognize that the results of the assays clearly demonstrate that compounds of the present invention bind to and are are antagonists of the histamine H₃ receptor, and as such, are expected to be useful in treating diseases mediated by the histamine H₃ receptor.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the

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knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1/14/05
Date

Robert G. Aslanian
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